

CHAPTER 19 CONTRACTING FOR SERVICES

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1900 GENERAL PROVISIONS

- 1900.1 The provisions of this chapter shall apply to contracts for the provision of services, as defined in §107(42) of the District of Columbia Procurement Practices Act of 1985 (the "Act"), D.C. Code §1-1181.7 (1981).
- 1900.2 The provisions of the Act and this title requiring competition and setting forth the requirements and procedures for competitive procurement shall apply to the procurement of services.
- 1900.3 A contract for services may provide for services to be performed by professional or non-professional personnel on an individual or organizational basis.
- 1900.4 A contract may be used to provide services including, but not limited to, the following:

- (a) Maintenance, overhaul, and repair;
- (b) Routine recurring maintenance of real property;
- (c) Housekeeping services;
- (d) Consulting services;
- (e) Engineering and technical services;
- (f) Operation of District-owned equipment, facilities, and systems;
- (g) Communications services;
- (h) Architectural and engineering services (in accordance with chapter 26 of this title);
- (i) Transportation and related services;
- (j) Day care services;
- (k) Janitorial services;
- (l) Stenographic reporting services;
- (m) Medical and human care services (in accordance with §§1905 to 1912); and
- (n) Real property appraisal services (in accordance with §§1915 to 1922).

1900.5 Contracts for services that cross fiscal years or include multiyear provisions and which are funded by annual appropriations shall include a contract provision approved by the Director indicating that payment for services for the period other than the current fiscal year will be subject to the availability of funds.

1900.6 The contracting officer shall ensure that the applicable provisions of the Service Contract Act of 1965 (41 U.S.C. §§351-358) and any applicable wage determination are incorporated in accordance with federal regulations into all solicitations in accordance with chapter 43 of this title.

1900.7 In order to provide continuity of services between contractors, or when the District anticipates difficulties during the transition from one contractor to another, the contracting officer shall include a provision approved by the Director in the contract providing for phase-in training and other actions by the current contractor to effect an orderly transition to the successor.

1900.8 Contracts for expert or consulting services shall not be awarded in a manner that gives preferential treatment to former District employees.

AUTHORITY: Unless otherwise noted, the authority for this chapter is the District of Columbia Procurement Practices Act of 1985, D.C. Law 6-85, as amended, D.C. Code §1-1181.1 *et seq.* (1981).

SOURCE: Final Rulemaking published at 35 DCR 1489 (February 26, 1988).

1901 EXPERT AND CONSULTING SERVICES

- 1901.1 A contracting officer may contract for expert and consulting services when essential to the agency's mission or when those services would achieve maximum effectiveness or economy of operations. Expert and consulting services may include, but are not limited to, the following:
- (a) Specialized opinions or professional or technical advice not available within the agency or from another agency;
 - (b) Outside points of view, to avoid too limited a judgment on critical issues;
 - (c) Advice on developments in industry, university, or foundation research;
 - (d) The opinions of experts whose national or international prestige can contribute to the success of important projects; or
 - (e) Citizen advisory participation in developing or implementing District programs that by their nature or by statutory provision require citizen participation.
- 1901.2 A contracting officer shall not contract for expert or consulting services for any of the following purposes:
- (a) To perform work of a policy-making, decision-making, or managerial nature that is the direct responsibility of agency officials;
 - (b) To bypass or undermine personnel ceilings, pay limitations, or competitive employment procedures; or
 - (c) To specifically aid in influencing or enacting legislation in the Council of the District of Columbia.
- 1901.3 The contracting officer shall ensure that a contract for expert or consulting services does not establish or allow any of the following:
- (a) An employer-employee relationship between the District and the contractor;
 - (b) Detailed control or supervision by District personnel of the contractor or its employees with respect to the day-to-day operations of the contractor or the methods of accomplishment of the services;
 - (c) A regularly established tour of duty for the contractor; or
 - (d) Supervision of District employees by the contractor.
- 1901.2 The contracting officer shall determine in writing that the contract for expert or consulting services rather than the use of District employees is in the best interests of the District for one (1) or more of the following reasons:
- (a) The use of a contract for services is substantially more economical, feasible, or necessary due to unusual or emergency circumstances;

- (b) The services are needed for short periods only or are needed in connection with a specific project that is to be completed within a specified period; or
 - (c) The services are difficult to obtain due to scarcity of skilled personnel or because the services are of a highly specialized nature.
- 1901.5 The contracting officer shall be responsible for determining whether a request by an agency to contract for expert or consulting services, regardless of dollar value, is justified under §1901.4 or whether the services must be obtained in accordance with District personnel law and regulations. The contracting officer's determination shall be final.
- 1901.6 Before processing any contractual action or solicitation for expert or consulting services, the contracting officer shall ensure that the applicable provisions of this chapter have been complied with and that the required documentation is complete and included in the contract file.
- 1901.7 For procurement of expert or consulting services, the contracting officer shall ensure that the following are accomplished:
 - (a) Each requirement is appropriate and fully justified in a written determination and findings. The justification shall include a statement of need and the requesting official's certification that the services do not unnecessarily duplicate any previously performed work or services;
 - (b) Each work statement is specific and complete, and states a fixed period of performance within which the services are to be provided;
 - (c) Each contract is awarded pursuant to the Act and this title;
 - (d) Appropriate disclosure is required of, and warning is given to, contractor personnel to avoid conflicts of interest;
 - (e) Each contract is properly administered and monitored to ensure that performance meets the requirements of the contract; and
 - (f) Each proposed contract action is properly authorized by a written, signed document.
- 1901.8 A contract for expert or consulting services shall not be extended by modification. When additional services are required, a new contract shall be awarded subject to the requirements and limitations of this section.

SOURCE: Final Rulemaking published at 35 DCR 1490 (February 26, 1988).

§§1902-1904: RESERVED

1905 MEDICAL AND HUMAN CARE SERVICES

- 1905.1 The contracting officer shall publicly announce all requirements for medical and human care services in accordance with chapter 13 of this title.
- 1905.2 The contracting officer shall negotiate contracts for medical and human care services based on the demonstrated competence and qualifications of prospective contractors to perform the services required at fair and reasonable prices.
- 1905.3 The contracting officer shall use the procedures set forth in §§1905 through 1912 of this chapter rather than the solicitation or source selection procedures specified elsewhere in this title.
- 1905.4 Compliance with §§1905 through 1912 of this chapter shall constitute a competitive procedure for the procurement of medical and human care services.
- 1905.5 The contracting officer shall evaluate each potential contractor based on the following criteria:
- (a) Professional qualifications necessary for satisfactory performance of the required services;
 - (b) Specialized experience and technical competence in the type of work required;
 - (c) Capacity to accomplish the work in the required time;
 - (d) Past performance on contracts with the District, other governmental entities, and private industry in terms of cost control, quality of work, and compliance with performance schedules; and
 - (e) Acceptability under other appropriate evaluation criteria.

SOURCE: Final Rulemaking published at 35 DCR 1492 (February 26, 1988).

1906 MEDICAL AND HUMAN CARE SERVICES EVALUATION BOARDS

- 1906.1 The director of the agency procuring medical and human care services shall appoint one (1) or more permanent or *ad hoc* medical and human care services evaluation boards, which shall be composed of members who, collectively, have experience in medical and human care services and District and related procurement matters.
- 1906.2 Members of evaluation boards shall include highly qualified professional employees of the District and may include private practitioners of medicine, human care services, or related professions.
- 1906.3 The director of the agency procuring medical and human care services shall designate one (1) District employee member of each board as the chairperson of that evaluation board.
- 1906.4 No firm or individual shall be eligible for award of a medical and human care services contract during the period in which any of its principals or associates are participating

as members of the awarding evaluation board, or when any member of the awarding evaluation board has a financial interest in the firm.

- 1906.5 The evaluation board shall perform the following functions under the general direction of the contracting officer:
- (a) Review the current data files on eligible firms or individuals and responses to the public notice required in accordance with chapter 13 of this title;
 - (b) Evaluate the firms or individuals in accordance with the criteria prescribed in §1905;
 - (c) Hold discussions with at least three (3) of the most highly qualified firms or individuals concerning concepts and the relative utility of alternative methods of furnishing the required services (but not including fees), when the prospective medical or human care services contract is estimated to exceed ten thousand dollars (\$10,000); and
 - (d) Prepare a selection report for the contracting officer recommending, in order of preference, at least three (3) firms or individuals that are considered to be the most highly qualified to perform the required services.

- 1906.6 The selection report shall include a description of the discussions and evaluation conducted by the board to allow the contracting officer to review the considerations upon which the recommendations are based.

SOURCE: Final Rulemaking published at 35 DCR 1493 (February 26, 1988).

1907 MEDICAL AND HUMAN CARE SERVICES SELECTION

- 1907.1 The contracting officer shall review the recommendations of the evaluation board and, with the advice of appropriate technical and staff representatives, shall make the final selection.
- 1907.2 The final selection shall be a listing, in order of preference, of the firms or individuals considered most highly qualified to perform the work.
- 1907.3 If the firm or individual listed by the contracting officer as the most preferred is not the same as that recommended as the most highly qualified by the evaluation board, the contracting officer shall include in the contract file a written explanation of the reason for the selection.
- 1907.4 All firms or individuals on the final selection list shall be considered "selected firms or individuals" with which the contracting officer may negotiate in accordance with §1911.
- 1907.5 The contracting officer shall not add firms or individuals to the selection report. If the firms or individuals recommended in the report are not deemed to be qualified or the report is considered inadequate for any reason, the contracting officer shall record the reasons and return the report to the evaluation board for appropriate revision.

1907.6 The contracting officer shall promptly inform the board of the final selection.

1907.7 After final selection has taken place, the contracting officer may release information identifying the medical or human care services firms or individuals with which a contract will be negotiated.

SOURCE: Final Rulemaking published at 35 DCR 1494 (February 26, 1988).

1908 MEDICAL AND HUMAN CARE: SMALL PURCHASE CONTRACTS

1908.1 When authorized by the Director, the procedure set forth in this section may be used as an alternative to the process set forth in §§1906 and 1907 to select firms for medical and human care contracts not estimated to exceed ten thousand dollars (\$10,000).

1908.2 If the contracting officer decides that formal action by the board is not necessary in connection with a particular selection, the following procedures shall be used:

- (a) The chairperson of the board shall perform the functions of the evaluation board under §1906;
- (b) The contracting officer shall review the report and approve it or return it to the chairperson for appropriate revision; and
- (c) Upon receipt of an approved report, the chairperson of the board shall furnish the contracting officer with a copy of the report which will serve as an authorization for the contracting officer to commence negotiations.

SOURCE: Final Rulemaking published at 35 DCR 1495 (February 26, 1988).

1909 MEDICAL AND HUMAN CARE PROVIDER QUALIFICATIONS

1909.1 The Department of Human Services (or other agency with authority to contract for medical or human care services) shall receive and maintain data on firms and individuals that request to be considered for District medical or human care services contracts.

1909.2 To be considered for a medical or human care services contract, a firm or individual shall file the appropriate medical and human care services qualification data form with the Department of Human Services or other agency, as appropriate.

1909.3 The office maintaining the medical and human care services qualification data files shall classify each firm or individual with respect to the following:

- (a) Location;
- (b) Specialized experience;
- (c) Professional capabilities; and
- (d) Capacity, with respect to the scope of work that the firm or individual can undertake.

1909.4 Each office maintaining qualification data files shall review and update each file at least once each year. The review and update shall include the following:

- (a) Encouraging firms and individuals to submit an updated statement of qualifications and performance report;
- (b) Reviewing and updating the classification of each firm or individual;
- (c) Recording any contract awards made to each firm or individual in the preceding year;
- (d) Ensuring that the file contains a copy of each pertinent performance evaluation report;
- (e) Discarding any material that is no longer pertinent which has not been updated within the previous three (3) years; and
- (f) Posting the date of the review in the file.

1909.5 Evaluation boards and other appropriate District employees or agents shall have access to data files.

SOURCE: Final Rulemaking published at 35 DCR 1495 (February 26, 1988).

1910 DISTRICT COST ESTIMATE FOR MEDICAL AND HUMAN CARE SERVICES

1910.1 The agency contracting for medical or human care services shall prepare an independent District estimate of the cost of the services and shall furnish it to the contracting officer before commencing negotiations in accordance with §1911 for each proposed contract or contract modification estimated to exceed ten thousand dollars (\$10,000).

1910.2 Access to information concerning the District estimate shall be limited to District personnel and agents whose official duties require knowledge of the estimate.

1910.3 The contracting officer may make an exception of §1910.2 during contract negotiations to allow the contracting officer to identify a specialized task and disclose the associated cost breakdown figures in the District estimate, but only to the extent deemed necessary to arrive at a fair and reasonable price. However, the overall amount of the District's estimate shall not be disclosed.

SOURCE: Final Rulemaking published at 35 DCR 1496 (February 26, 1988).

1911 NEGOTIATION OF MEDICAL AND HUMAN CARE SERVICES CONTRACTS

1911.1 The final selection shall constitute authority for the contracting officer to begin negotiations.

1911.2 Beginning with the most preferred firm in the final selection, the contracting officer shall request a proposal from the firm or individual.

1911.3 The contracting officer shall limit subcontracting to those firms agreed upon during negotiations.

- 1911.4 If a mutually satisfactory contract cannot be negotiated, the contracting officer shall notify the firm or individual that negotiations have been terminated. The contracting officer shall then initiate negotiations with the next firm or individual on the list. This procedure shall be continued until a mutually satisfactory contract has been negotiated.
- 1911.5 If negotiations fail with all selected firms or individuals, the contracting officer shall request the evaluation board to recommend additional firms or individuals.
- 1911.6 If negotiations are terminated without awarding a contract to the highest rated firm or individual, the contracting officer may release that information and state that the negotiations will be undertaken with another named medical or human care services firm or individual.
- 1911.7 When an award has been made, the contracting officer may release award information to the public, and publicize the award in accordance with chapter 13 of this title.

SOURCE: Final Rulemaking published at 35 DCR 1497 (February 26, 1988).

1912 MEDICAL AND HUMAN CARE PERFORMANCE EVALUATIONS

- 1912.1 The contract administrator shall prepare a performance evaluation report for contracts of more than ten thousand dollars (\$10,000) and may prepare a report for contracts of ten thousand dollars (\$10,000) or less.
- 1912.2 The contract administrator shall prepare the performance report quarterly and after completion of the service or after contract termination, as appropriate.
- 1912.3 If the contract administrator concludes that the overall performance of a firm or individual is unsatisfactory, the contracting officer shall advise the firm or individual in writing that a report of unsatisfactory performance is being prepared and shall state the basis for the report.
- 1912.4 If the firm or individual responds to the notice issued under §1912.3 with any written comments, the contract administrator shall include them in the report, consider them in resolving any alleged factual discrepancies, and make appropriate changes in the report.
- 1912.5 The contracting officer shall review each performance report for accuracy and reasonableness.
- 1912.6 The contracting officer shall include the performance report in the contract file, and shall send a copy to the office responsible for maintenance of the firm's or individual's qualifications data. The office shall retain the report for at least six (6) years after the date of the report.

SOURCE: Final Rulemaking published at 35 DCR 1497 (February 26, 1988).

§§1913-1914: RESERVED**1915 REAL PROPERTY APPRAISAL SERVICES**

- 1915.1 The contracting officer shall publicly announce all requirements for real property appraisal services in accordance with chapter 13 of this title.
- 1915.2 The contracting officer shall negotiate contracts for real property appraisal services based on the demonstrated competence and qualifications of prospective contractors to perform the services required at fair and reasonable prices.
- 1915.3 The contracting officer shall use the procedures set forth in §§1915 through 1922 of this chapter rather than the solicitation or source selection procedures specified elsewhere in this title.
- 1915.4 Compliance with the provisions of §§1915 through 1922 of this chapter shall constitute a competitive procedure for the procurement of real property appraisal services.
- 1915.5 The contracting officer shall evaluate each potential contractor based on the following criteria:
- (a) Professional qualifications necessary for satisfactory performance of the required services;
 - (b) Specialized experience and technical competence in the type of work required;
 - (c) Capacity to accomplish the work in the required time;
 - (d) Past performance on contracts with the District, other governmental entities, and private industry in terms of cost, quality of work, and compliance with performance schedules; and
 - (e) Acceptability under other appropriate evaluation criteria.

SOURCE: Final Rulemaking published at 35 DCR 1498 (February 26, 1988).

1916 REAL PROPERTY APPRAISAL SERVICES EVALUATION BOARDS

- 1916.1 The director of the agency procuring real property appraisal services shall appoint one (1) or more permanent or *ad hoc* real property appraisal evaluation boards, which shall be composed of members who, collectively, have experience in real estate, real property appraisal, and District and related procurement matters.
- 1916.2 Members of evaluation boards shall include highly qualified professional employees of the District and may include private practitioners of real estate, appraisal, or related professions.
- 1916.3 The director of the agency procuring real property appraisal services shall designate one (1) District employee member of each board as the chairperson of that evaluation board.

- 1916.4 No firm or individual shall be eligible for award of a real property appraisal contract during the period in which any of its principals or associates are participating as members of the awarding evaluation board, or when any member of the awarding evaluation board has a financial interest in the firm.
- 1916.5 The evaluation board shall perform the following functions under the general direction of the contracting officer:
- (a) Review the current data files on eligible firms and responses to the public notice required in accordance with chapter 13 of this title;
 - (b) Evaluate the firms or individuals in accordance with the criteria prescribed in §1915;
 - (c) Hold discussions with at least three (3) of the most highly qualified firms concerning concepts and the relative utility of alternative methods of furnishing the required services (but not including appraisal fees), when the prospective real property appraisal contract is estimated to exceed ten thousand dollars (\$10,000); and
 - (d) Prepare a selection report for the contracting officer recommending, in order of preference, at least three (3) firms that are considered to be the most highly qualified to perform the required services.
- 1916.6 The selection report shall include a description of the discussions and evaluation conducted by the board to allow the contracting officer to review the considerations upon which the recommendations are based.
- SOURCE: Final Rulemaking published at 35 DCR 1499 (February 26, 1988).
- 1917 REAL PROPERTY APPRAISAL SERVICES SELECTION**
- 1917.1 The contracting officer shall review the recommendations of the evaluation board and, with the advice of appropriate technical and staff representatives, shall make the final selection.
- 1917.2 The final selection shall be a listing, in order of preference, of the firms or individuals considered most highly qualified to perform the work.
- 1917.3 If the firm or individual listed as the most preferred by the contracting officer is not the same as that recommended as the most highly qualified by the evaluation board, the contracting officer shall include in the contract file a written explanation of the reason for the selection.
- 1917.4 All firms on the final selection list shall be considered "selected firms" with which the contracting officer may negotiate in accordance with §1915.
- 1917.5 The contracting officer shall not add firms to the selection report. If the firms recommended in the report are not deemed to be qualified or the report is considered inadequate for any reason, the contracting officer shall record the reasons and return the report to the evaluation board for appropriate revision.

1917.6 The contracting officer shall promptly notify the board of the final selection.

1917.7 After final selection has taken place, the contracting officer may release information identifying the real property appraisal firm with which a contract will be negotiated.

SOURCE: Final Rulemaking published at 35 DCR 1500 (February 26, 1988).

1918 REAL PROPERTY APPRAISAL: SMALL PURCHASE CONTRACTS

1918.1 When authorized by the Director, the procedure set forth in this section may be used as an alternative to the process set forth in §§1916 and 1917 to select firms for real property appraisal contracts not estimated to exceed ten thousand dollars (\$10,000)

1918.2 If the contracting officer decides that formal action by the board is not necessary in connection with a particular selection, the following procedures shall be used:

- (a) The chairperson of the board shall perform the functions of the evaluation board under §1916;
- (b) The contracting officer shall review the report and approve it or return it to the chairperson for appropriate revision; and
- (c) Upon receipt of an approved report, the chairperson of the board shall furnish the contracting officer with a copy of the report which will serve as an authorization for the contracting officer to commence negotiations.

SOURCE: Final Rulemaking published at 35 DCR 1500 (February 26, 1988).

1919 REAL PROPERTY APPRAISAL: QUALIFICATIONS

1919.1 The Department of Administrative Services (or other agency with authority to contract for real property appraisal services) shall receive and maintain data on firms and individuals that request to be considered for District real property appraisal contracts.

1919.2 To be considered for a real property appraisal contract, a firm or individual shall file an appropriate qualification data form with the Department of Administrative Services, or other agency, as appropriate.

1919.3 The office maintaining the real property appraisal qualification data files shall classify each firm or individual with respect to the following:

- (a) Location;
- (b) Specialized experience;
- (c) Professional capabilities; and
- (d) Capacity, with respect to the scope of work that the firm or individual can undertake.

1919.4 Each office maintaining qualification data files shall review and update each file at least once each year. The review and update shall include the following:

- (a) Encouraging firms and individuals to submit an updated statement of qualifications and performance report;
- (b) Reviewing and updating the classification of each firm or individual;
- (c) Recording any contract awards made to each firm in the preceding year;
- (d) Ensuring that the file contains a copy of each pertinent performance evaluation report;
- (e) Discarding any material that is no longer pertinent which has not been updated within the previous three (3) years; and
- (f) Posting the date of the review in the file.

1919.5 Evaluation boards and other appropriate District employees shall have access to data files.

SOURCE: Final Rulemaking published at 35 DCR 1501 (February 26, 1988).

1920 DISTRICT COST ESTIMATE FOR REAL PROPERTY APPRAISAL SERVICES

1920.1 The agency contracting for real property appraisal services shall prepare an independent District estimate of the cost of the services and shall furnish it to the contracting officer before commencing negotiations in accordance with §1921 for each proposed contract or contract modification estimated to exceed ten thousand dollars (\$10,000).

1920.2 Access to information concerning the District estimate shall be limited to District personnel and agents whose official duties require knowledge of the estimate.

1920.3 The contracting officer may make an exception of §1920.2 during contract negotiations to allow the contracting officer to identify a specialized task and disclose the associated cost breakdown figures in the District estimate, but only to the extent deemed necessary to arrive at a fair and reasonable price. However, the overall amount of the District's estimate shall not be disclosed.

SOURCE: Final Rulemaking published at 35 DCR 1502 (February 26, 1988).

1921 NEGOTIATION OF REAL PROPERTY APPRAISAL CONTRACTS

1921.1 The final selection shall constitute authority for the contracting officer to begin negotiations.

1921.2 Beginning with the most preferred firm in the final selection, the contracting officer shall request a proposal from the firm or individual.

1921.3 The contracting officer shall limit subcontracting to firms or individuals agreed upon during negotiations.

1921.4 If a mutually satisfactory contract cannot be negotiated, the contracting officer shall notify the firm or individual that negotiations have been terminated. The contracting

officer shall then initiate negotiations with the next firm on the list. This procedure shall be continued until a mutually satisfactory contract has been negotiated.

1921.5 If negotiations fail with all selected firms, the contracting officer shall request the evaluation board to recommend additional firms.

1921.6 If negotiations are terminated without awarding a contract to the highest rated firm or individual, the contracting officer may release that information and state that the negotiations will be undertaken with another named real property appraisal firm or individual.

1921.7 When an award has been made, the contracting officer may release award information to the public.

SOURCE: Final Rulemaking published at 35 DCR 1502 (February 26, 1988).

1922 REAL PROPERTY APPRAISAL PERFORMANCE EVALUATIONS

1922.1 The contract administrator shall prepare a performance evaluation report for contracts of more than ten thousand dollars (\$10,000) and may prepare a report for contracts of ten thousand dollars (\$10,000) or less.

1922.2 The contract administrator shall prepare the performance report after final acceptance of the work or after contract termination, as appropriate.

1922.3 If the contract administrator concludes that the overall performance of a firm or individual is unsatisfactory, the contracting officer shall advise the firm or individual in writing that a report of unsatisfactory performance is being prepared and shall state the basis for the report.

1922.4 If the firm or individual responds to the notice issued under §1922.3 with any written comments, the contract administrator shall include them in the report, consider them in resolving any alleged factual discrepancies, and make appropriate changes in the report.

1922.5 The contracting officer shall review each performance report for accuracy and reasonableness.

1922.6 The contracting officer shall include the performance report in the contract file, and shall send a copy to the office responsible for maintenance of the firm's qualifications data. The office shall retain the report for at least six (6) years after the date of the report.

SOURCE: Final Rulemaking published at 35 DCR 1503 (February 26, 1988).

§§1923-1924: RESERVED**1925 DISMANTLING, DEMOLITION, OR REMOVAL OF STRUCTURES**

1925.1 Contracts for dismantling, demolition, or removal of structures shall be awarded in accordance with either the Service Contract Act 1965 (41 U.S.C. §§351-358) or the Davis-Bacon Act (40 U.S.C. §§276a-276a-7).

1925.2 When the contract is solely for dismantling, demolition, or removal of structures, the provisions of the Service Contract Act shall be followed.

1925.3 When the contract is for dismantling, demolition, or removal of structures and further work will result in the construction, alteration, or repair of a public building or public work at the same location even though by separate contract, the provisions of the Davis-Bacon Act shall be followed with respect to the contract for dismantling, demolition, or removal.

1925.4 The contracting officer shall comply with the requirements of the Service Contract Act and the Davis-Bacon Act in accordance with chapter 43 of this title.

1925.5 When a contract is solely for dismantling, demolition, or removal of structures, the contracting officer may require the contractor to furnish a performance bond or other security in accordance with the provisions of chapter 27 of this title in an amount that the contracting officer considers adequate to do the following:

- (a) Ensure completion of the work;
- (b) Protect property to be retained by the District;
- (c) Protect property to be provided as compensation to the contractor; and
- (d) Protect the District against damage to adjoining property.

1925.6 Any requirement for a bond under this section shall be documented by the contracting officer in accordance with the provisions of chapter 27 of this title.

SOURCE: Final Rulemaking published at 35 DCR 1504 (February 26, 1988).

1926 PAYMENTS FOR SALVAGE AND REMOVAL

1926.1 A contract may provide that the District pay the contractor for the dismantling or demolition of structures or that the contractor pay the District for the right to salvage and remove the materials resulting from the dismantling or demolition operation.

1926.2 The contracting officer shall determine whether the District shall retain materials resulting from a dismantling or demolition operation in accordance with §§1926.3 and 1926.4.

- 1926.3 If property is determined more useful to the District than its value as salvage to the contractor, the contract shall expressly designate that the property be retained by the District.
- 1926.4 The contracting officer, on advice of technical personnel, shall determine the fair market value of any property designated as salvage which will be retained by the contractor. The fair market value estimate shall be a guide in determining the amount of payment, if any, that will be made to the contractor.

SOURCE: Final Rulemaking published at 35 DCR 1504 (February 26, 1988).

1999 DEFINITIONS

- 1999.1 When used in this chapter, the following words and terms shall have the meanings ascribed:

Appraisal services - services performed by an expert licensed by a state, city, county, or other governmental unit which are associated with the purchase and lease of real property relating to the determination of the value of that real property.

Award information - information regarding the name of the contractor and the amount of the contract award.

Consultant - a firm or individual with knowledge and special abilities not generally available to an agency who renders services of a purely advisory nature relating to governmental functions or agency administration and management.

Consulting services - services of a purely advisory nature relating to governmental functions, agency administration and management, or program management which are normally provided by persons that are considered to have knowledge and special abilities not generally available within the agency.

Expert - a person with excellent qualifications and a high degree of attainment in a professional, scientific, technical, or other field, whose knowledge and mastery of the principles, practices, problems, methods, and techniques of his or her field of activity, or of a specialized area in the field, are clearly superior to those usually possessed by ordinarily competent persons in that activity, and whose attainment is such that he or she usually is regarded as an authority or as a practitioner of unusual competence and skill by other persons in the profession, occupation, or activity. An expert may be a person who performs or supervises regular duties and operating functions.

Medical and human care services - services provided by professionals whose occupations are subject to licensure under the D.C. Health Occupations Revision Act of 1988, D.C. Law 6-99, D.C. Code §2-3301.1 *et seq.* (1986 Supp.).

SOURCE: Final Rulemaking published at 35 DCR 1505 (February 26, 1988).